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Election
PATENTS
AMS-017A
S. Bryce
12/9/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gerald NMI Dorros et al.
Application No. : 09/972,225 Confirmation No. : 4566
Filed : October 4, 2001
For : APPARATUS AND METHODS FOR TREATING
STROKE AND CONTROLLING CEREBRAL FLOW
CHARACTERISTICS
Group Art Unit : 3763
Examiner : Cris L. Rodriguez

Hon. Commissioner for Patents
Customer Service Center
c/o P.O. Box 2327
Arlington, VA 22202

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REPLY TO OFFICE ACTION

Sir:

Responsive to the Office action dated October 25,
2002, applicants respond as follows:

REMARKS

Summary of the Office Action

Claims 1-25 are pending in the case. A restriction
requirement has been imposed between Group I, drawn to
apparatus for manipulating cerebral flow characteristics,

claims 1-17, and Group II, drawn to a method for manipulating cerebral blood flow characteristics, claims 18-25.

The Office action also states that the application contains claims to seventeen patentably distinct species of the claimed invention: Species A, Figures 3A-3D; Species B, Figures 4A-4C; Species C, Figures 4D-4E; Species D, Figures 5A-5B; Species E, Figures 6A-6D; Species F, Figures 6E-6F; Species G, Figures 7A-7B; Species H, Figures 7C-7D; Species I, Figure 7E; Species J, Figure 8A; Species K, Figure 8B; Species L, Figure 8C; Species M, Figure 8D; Species N, Figures 9A-9C; Species O, Figure 11; Species P, Figures 12A-12D; and Species Q, Figures 14A-15.

Applicants' Response

Applicants hereby elect without traverse the claims of Group I, drawn to apparatus for manipulating cerebral flow characteristics, claims 1-17.

The apparatus of the present invention consists of both a catheter of the type depicted in FIGS. 3A-3D and a flow control device of the type depicted in FIGS. 4A-4E. Accordingly, at least species A and one of species B or C are required, as recited in claim 1: a catheter having an occlusive element affixed to the distal end (species A, FIGS. 3A-3D) (claim 1, element 1), and at least one flow control device (species B or C) (claim 1, element 2). Such a system is described, for example, on page 13, lines 22-25, which reads: "Flow control devices 8 and emboli removal catheter 2 are used

to suspend antegrade flow in the cerebral arteries and to selectively suspend or redistribute flow in the cerebral vasculature."

Applicants accordingly elect with traverse both Species A and Species B, illustrated in Figures 3A-3D and 4A-4C, respectively, for initial prosecution in this application. Applicants respectfully submit that the above-elected claims 1-5 and 7-9 are readable on the species illustrated in the above figures.

In addition, applicants traverse the election of species requirement because independent claim 1 requires both Species A and B or C. Moreover, claim 1 is generic because it is directed to a system for controlling cerebral flow.

Applicants respectfully submit that claims 1-5 and 7-9 are readable on elected species A and B.

Conclusion

In view of the foregoing remarks, an early and favorable action is earnestly requested.

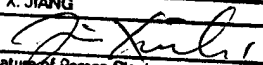
Respectfully submitted,



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